

Introduced by Senator Runner

February 22, 2005

An act to amend Section 12027.1 of the Penal Code, relating to concealed firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 939, as introduced, Runner. Concealed firearms.

Existing law authorizes certain peace officers and retired peace officers to receive an endorsement allowing them to carry concealed firearms, as specified.

This bill would authorize the employer of certain retired reserve peace officers, as defined, to issue an endorsement allowing those retired reserve peace officers to carry concealed firearms, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12027.1 of the Penal Code is amended
2 to read:
3 12027.1. (a) (1) ~~(A) (i)~~ Any peace officer employed by an
4 agency and listed in Section 830.1 or 830.2 or subdivision (c) of
5 Section 830.5 who retired after January 1, 1981, shall have an
6 endorsement on the identification certificate stating that the
7 issuing agency approves the officer's carrying of a concealed and
8 loaded firearm.
9 ~~(ii)~~
10 (2) Any peace officer listed in Section 830.1 or 830.2 or
11 subdivision (c) of Section 830.5 who retired prior to January 1,
12 1981, is authorized to carry a concealed and loaded firearm if the

1 agency issued the officer an identification certificate and the
2 certificate has not been stamped as specified in paragraph (2) of
3 subdivision (a) of Section 12027.

4 ~~(iii)–~~

5 (3) Peace officers not listed in ~~clause (i) or (ii)~~ *paragraph (1)*
6 *or (2)* who were authorized to, and did, carry firearms during the
7 course and scope of their employment as peace officers, shall
8 have an endorsement on the identification certificate stating that
9 the issuing agency approves the officer's carrying of a concealed
10 and loaded firearm.

11 ~~(B)–~~

12 (4) *A retired reserve peace officer listed in paragraphs (1) and*
13 *(2) of subdivision (a) of Section 832.6, and who was authorized*
14 *to carry a firearm during the course and scope of his or her*
15 *appointment as a reserve peace officer, may have an*
16 *endorsement on the retired identification certificate stating that*
17 *the issuing agency approves the officer's carrying a concealed*
18 *and loaded firearm.*

19 (5) *Retired reserve peace officers not listed in paragraph (1)*
20 *or (2) who were authorized to, and did, carry firearms during the*
21 *course and scope of their employment as peace officers, may*
22 *have an endorsement on the identification certificate stating that*
23 *the issuing agency approves the officer's carrying of a concealed*
24 *and loaded firearm.*

25 (6) *The term "retired reserve peace officer" refers to a person*
26 *who served as a California reserve peace officer for at least 15*
27 *years in the aggregate and is honorably separated from service,*
28 *or served as a California reserve peace officer and dishonorably*
29 *separated from service due to a service-related injury or illness.*

30 (b) (1) An identification certificate authorizing the officer to
31 carry a concealed and loaded firearm or an endorsement on the
32 certificate may be revoked or denied by the issuing agency only
33 upon a showing of good cause. Good cause shall be determined
34 at a hearing, as specified in subdivision ~~(d)~~ (f).

35 (2) A retired peace officer may have his or her privilege to
36 carry a concealed and loaded firearm revoked or denied by
37 violating any departmental rule, or state or federal law that, if
38 violated by an officer on active duty, would result in that
39 officer's arrest, suspension, or removal from the agency.

40 ~~(b) (1)–~~

1 (3) An identification certificate authorizing the officer to carry
2 a concealed and loaded firearm or an endorsement may be
3 revoked or denied by the issuing agency only upon a showing of
4 good cause. Good cause shall be determined at a hearing, as
5 specified in subdivision ~~(d)~~ (f).

6 ~~(2)~~

7 (c) An identification certificate authorizing the officer to carry
8 a concealed and loaded firearm or an endorsement may be
9 revoked only after a hearing, as specified in subdivision ~~(d)~~ (f).
10 Any retired peace officer whose identification certificate
11 authorizing the officer to carry a concealed and loaded firearm or
12 an endorsement is to be revoked shall have 15 days to respond to
13 the notice of the hearing. Notice of the hearing shall be served
14 either personally on the retiree or sent by first-class mail, postage
15 prepaid, return receipt requested to the retiree's last known place
16 of residence. Upon the date the agency receives the signed
17 registered receipt or upon the date the notice is served personally
18 on the retiree, the retiree shall have 15 days to respond to the
19 notification. A retired peace officer who fails to respond to the
20 notice of the hearing shall forfeit his or her right to respond.

21 ~~(3)~~

22 (d) An identification certificate authorizing the officer to carry
23 a concealed and loaded firearm or an endorsement may be denied
24 prior to a hearing. If a hearing is not conducted prior to the denial
25 of an endorsement, a retired peace officer, within 15 days of the
26 denial, shall have the right to request a hearing. A retired peace
27 officer who fails to request a hearing pursuant to this paragraph
28 shall forfeit his or her right to the hearing.

29 ~~(e)~~

30 (e) A retired peace officer, when notified of the revocation of
31 his or her privilege to carry a concealed and loaded firearm, after
32 the hearing, or upon forfeiting his or her right to a hearing, shall
33 immediately surrender to the issuing agency his or her
34 identification certificate. The issuing agency shall reissue a new
35 identification certificate without an endorsement. However, if the
36 peace officer retired prior to January 1, 1981, and was at the time
37 of his or her retirement a peace officer listed in Section 830.1 or
38 830.2 or subdivision (c) of Section 830.5, the issuing agency
39 shall stamp on the identification certificate "No CCW privilege."

40 ~~(d)~~

- 1 (f) (1) Any hearing conducted under this section shall be held
2 before a three-member hearing board. One member of the board
3 shall be selected by the agency and one member shall be selected
4 by the retired peace officer or his or her employee organization.
5 The third member shall be selected jointly by the agency and the
6 retired peace officer or his or her employee organization.
7 (2) Any decision by the board shall be binding on the agency
8 and the retired peace officer.
9 ~~(e)~~
10 (g) No peace officer who is retired after January 1, 1989,
11 because of a psychological disability shall be issued an
12 endorsement to carry a concealed and loaded firearm pursuant to
13 this (g) section.